

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF MAY 24, 2005.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Gail Smith (Director of Administrative Services), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation)

COMMENCEMENT

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of May 24, 2005 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Marc Mouton to give the invocation and then lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(027) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT**

President Durel

- Presented a proclamation to area veterans regarding the Memorial Day Festivities and the 60th anniversary of VE Day.
- Recognized LUS Director Terry Huval with remarks concerning the water conservation program due to the present dry conditions. Huval reminded all LUS and Water District customers that the program calls for watering of even-numbered residences on Sunday, Wednesday and Friday; and odd-numbered residences on Tuesday, Thursday and Saturday. No watering is allowed on Monday. He then recognized Dr. Bruce Darling, recognized expert in water supply, and Mr. Marshall Mounier, owner of Marshall’s Nursery, to speak on the amount of water needed for gardens and lawns.

RESOLUTIONS

(TAPE 2)(SIDE A)(131) AGENDA ITEM NO. 4: R-044-2005 A resolution of the Lafayette City-Parish Council encouraging all citizens to attend events from the Creole Culture Day on Saturday, June 4, 2005 to be held at Vermilionville, motion to adopt as amended (amendment being to change the resolution number from R-042-2005 to R-044-2005) by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved as amended.

Dr. Williams recognized Mr. Clayton Arceneaux, as well as representatives of Lafayette Convention and Visitors Commission and the Lafayette Parish Bayou Vermilion District. Ms. LaShondra Walker, Marketing Manager for Vermilionville, announced that the first recipient of the Richard J. Catalan Creole Heritage Award was Senator Donald Cravins and then invited

everyone to attend the festivities.

(TAPE 2)(SIDE A)(226) AGENDA ITEM NO. 5: R-043-2005 A resolution of the Lafayette City-Parish Council approving the submittal of an application to the Environmental Protection Agency for funding from the Water Quality Cooperative Agreement Allocation, motion to adopt by Stevenson, seconded by Badeaux, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

ORDINANCE FOR FINAL ADOPTION

(TAPE 2)(SIDE A)(237) AGENDA ITEM NO. 6: O-125-2005 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, Case No. ZON2005-011 Sign Height Text Change, so as to limit the height of signs in all zoning districts in the City of Lafayette, a motion to table by Stevenson, seconded by Williams, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved to table.

Broussard and Conque requested the following information to be provided when the ordinance is brought back up:

- A copy of the height limit ordinance from Baton Rouge, and
- That the sign business owners be given an opportunity for input when the ordinance is before the council again
- A copy of the height limit ordinance from the City of Carencro

REPORTS/ANDOR DISCUSSION ITEMS

(TAPE 2)(SIDE A)(278) AGENDA ITEM NO. 7: Update on Federal Train Regulations with reference to quiet zones.

Traffic & Transportation Director Tony Tramel made a presentation on quiet zones. The report included the high cost of railroad protective devices, channelization, and issues regarding the banning of sound signals.

Bourgeois asked if Tramel had estimates on wayside horns. Tramel answered no but would obtain the information for him. He mentioned that most sound items are expensive. The Railroad does not feel responsible to share in the cost and participates about 5% to 10% maximum because 1) they believe they were there first, and 2) most of the issues discussed were caused by people who violate the law. They do insist that if a device is used, it must be first class, dependable and reliable. He added the cost for channelization would be \$20.00 per linear foot.

Upon questioning by Conque, Tramel stated that decibels are measured approximately 100 feet from the track and 15 feet from the top of the rail as opposed to 4 feet. He added that he had never been involved with the noise factor. Regarding the “quiet zone”, the sight distance is the ability for the vehicle to see the train and well as the train to see the vehicle. At night, the sight distance may be further due to the vehicle and train lights. Conque then asked Tim Melancon, Noise Administrator, if there were exemptions under Federal Regulations for train horns as opposed to the enforcement of LCG’s noise ordinance? Melancon answered affirmatively, unless some type of a “quiet zone” was set up that would prohibit the sound of that horn if LCG were to initiate some of the things that the Federal Government would require to set up a “quiet zone”. To measure the sound, LCG would have to measure it, as the Federal Government would require under these new standards, which is 15 feet above the rail and a distance of 100 feet from the train. Melancon agreed to conduct tests on the train horns within the next 3 months.

Williams asked what action would be needed and how long would it take to create a “quiet zone”. Tramel answered that LCG would prepare a plan of action, make recommendations on how to mitigate, come up with solutions and associated costs, present information to the Council and then to DOTD and Railroad Company and finally approval from the Federal Railroad Administration. Tramel stated he would do more research, contact the railroads and brief the Council at a later date. Williams requested that this be placed back on the agenda in July.

(TAPE 2)(SIDE A)(632) AGENDA ITEM NO. 8: Update on the drainage and culvert issues on Windrush Lane. *Item was deferred at the request of Councilmember Broussard.*

(TAPE 2)(SIDE A)(637) AGENDA ITEM NO. 9: Maintenance of Gateway at Willow Street and Castille St.

Public Works Director Tom Carroll reported that the Gateway area is under the jurisdiction of the Lafayette Convention & Visitors Commission. In speaking with LCVC Director Gerald Breaux, Carroll learned that LCVC was having personnel and equipment problems, which hindered the work. LCG helped out last year and will do so again this year. Carroll recommended that LCG take over the work, contract it out and get reimbursed by the State. He added a new Streets Supervisor has been appointed and these issues can be worked out. Williams requested that the Clerk of the Council and the Streets Supervisor meet to come up with a solution and Councilmembers from Districts 1, 2 3 and 4 be included. Bourgeois opined that the focus now should be on maintenance rather than landscaping.

(TAPE 2)(SIDE B)(043) AGENDA ITEM NO. 10: Recognize Ray Green regarding informal poll results.

Ray Green, constituent, was recognized with the results of an informal poll regarding the Council. He explained that the following was an opinion poll, or report card, regarding the present City/Parish Councilmen and their attitudes and actions relating to ten items of interest of the citizens, taxpayers and voters of the City of Lafayette only. The poll is unscientific, unofficial and was taken from a cross section of citizens representing both the North and South Districts of the City. The poll or survey represents a variety of black, white and Hispanic individuals.

1. Do you feel it is in the best interest of the general public for the Council to be presented with a citizen’s poll or report card occasionally as an indication of said public feelings toward the attitudes and actions of the Council? YES: 100 NO: 0
2. Do you feel the Council treats all speakers equally with the same courtesy and respect? YES: 1 No: 99
3. Do you feel it necessary for 5 members of the Council to attend out of the City meetings, regardless of location away from Lafayette? YES: 5 NO: 95
4. Do you feel that sending 5 members to any such meeting is a basic waste of taxpayers’ money? YES: 95 NO: 5
5. Would you favor sending only one member to such meetings? YES: 98 NO: 2
6. A. If more than one member attends any such meeting, would you vote for them again in the next election? YES: 15 NO: 85
B. Would you favor electing the Councilmen for a two year term rather than the present four year term? YES: 82 NO: 18
7. When any Council member gets up and walks out during a presentation, discussion or public comment, and misses the content of such, should he have to forfeit his vote on that particular item? YES: 100 NO: 0
8. Do you agree it is necessary for a quorum (5 members) be represented and seated at all times during all business items? YES: 100 NO: 0

9. It is a proven fact when it is time for comments from the public which is an official agenda item, and as many as five to six members simply get up and walk out, refusing to hear this part of the agenda, that this action is disrespectful, insulting and unacceptable on the part of the Council? YES: 96 NO: 4
10. Since this is an indication or report card representing a portion of the City of Lafayette, what type of grade, overall, would you give the Council at this time? A-3; B-5; C-35; D-35; F-22

Green stated that the 100 people who took this poll represented 10,000 constituents and felt the Council should be concerned about this poll.

(TAPE 2)(SIDE B)(115) AGENDA ITEM NO. 11: Recognize Sarah Begnaud regarding E. Musique Road.

Sarah Begnaud, resident of E. Musique Road, was recognized regarding weight limits, the Land Use Ordinance and the Noise Ordinance. She explained to the Council the living conditions in which she is living under caused by the dirt pit next door to her and the numerous threats to her life. She stated she felt there was no backbone in the ordinances to make them enforceable.

Menard reminded Begnaud that the Council has no jurisdiction over the Sheriff's Department, as well as the Weights and Standards, Division of the State. He then requested that the Legal Department research to see what can be done to help Ms. Begnaud with her concerns.

Ottinger made the following points:

1. The property in question was grandfathered in 1993 due to the development being in place at that time. Ms. Begnaud was under the impression it had to do with the owner. A Letter of No Objection is not on file, but the absence of one does not mean it is not grandfathered in.
2. On the enforcement of the weights and limits, it a matter for the Sheriff's Department or the DOTD.
3. Regarding the conduct Begnaud described, Ottinger felt this was a civil issue.

Menard requested that Ottinger get from Ms. Begnaud exactly what she desires and what she wants to see happen. Then see if, from a legal standpoint and a governmental standpoint, there is something LCG can do.

Mouton requested that the Clerk obtain copies of the sales tax receipts, the property value, the assessment, the name of the actual owner and the taxes paid by Superior Dirt Services and any other associated properties contained. When asked for an address, Ms. Begnaud explained that the property is shown in the Clerk of Court's office as a subdivision and there is no registered, certified plat according to what he is doing now.

Menard requested that the Planning, Zoning & Codes Director go out to see if they are in violation of any ordinances from a planning and zoning standpoint.

Bourgeois then requested that 1) Bouy check to see if there is a regulation for water discharge from dirt pits into the drainage system; and 2) the Administration consider axle counts on the road.

After much discussion, Chair Menard again requested that Begnaud submit, in writing, her grievances to see what LCG could do for her.

Tim Melancon, Noise Administrator, stated that on April 22, 2005, a citation was issued to the operator of the dirt pit in violation of the noise code. A sheriff's deputy stayed on the Begnaud property and was successfully able to measure sound from the pit. The corrected sound level was at 70 decibels. The citation has been sent on to the District Attorney's office and they will decide to prosecute or not. Mediation has been discussed with the owner regarding the noise and the dust and, as of today, nothing has been done.

(TAPE 3)(SIDE A)(074) AGENDA ITEM NO. 12: Street & sidewalk maintenance.

Williams stated that he placed this issue on the agenda due to a large number of open Requests for Service in his district. Carroll explained that more areas are requiring maintenance but there is simply not enough equipment, personnel or funds to maintain them all. Just for mowing, Public Works has 58 boulevards, 15 other streets, 64 miles of State roads, and 39 areas of islands,

which should be moved on a 4-week rotation. Williams requested a report from Carroll at budget hearings on how to get a handle on the major corridors.

Benjamin then asked that the tree limbs be trimmed along Teurlings Drive between Carmel Avenue and Willow, especially on the side opposite from Teurlings High School.

The following individual was recognized:

Harold Arceneaux expressed concern over sidewalks being available for use by the disabled, especially those in wheelchairs.

COMMENTS FROM THE PUBLIC

(TAPE 3)(SIDE A)(224) AGENDA ITEM NO. 13: Comments from the public on other matters.

George Bentley was recognized regarding citizen oversight of the Lafayette Police Department.

ADJOURN

(TAPE 3)(SIDE A)(262) There being no further business to come before the Council, Chair Menard declared the Regular Council Meeting adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL